

1635  
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Dkt. 0575/63293/JPW/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cy A. Stein et al.  
Serial No. : 10/002,884 Examiner: J. Schultz  
Filed : November 2, 2001 Group Art Unit:1635  
For : PEPTIDES THAT DELIVER ANTISENSE  
OLIGONUCLEOTIDES WHICH DOWNREGULATE PROTEIN  
EXPRESSION IN CELLS

1185 Avenue of the Americas  
New York, New York 10036  
October 16, 2003

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT AND CERTIFIED  
STATEMENT UNDER 37 C.F.R. §1.197

In accordance with their duty of disclosure under 37 C.F.R. § 1.56, applicants would like to direct the Examiner's attention to the disclosures which are listed on the attached Form PTO-1449 (**Exhibit A**), and attached hereto as **Exhibits 1-3**:

- 1) U. S. Patent No. 5,959,096, Bennett, issued 28 September 1999 (Exhibit 1);
- 2) Oehlke et al. Cellular Uptake of Antisense Oligonucleotides After Complexing or Conjugation with Cell-penetrating Model Peptides, *Eur. J. of Mol. Biol.* (2002) 269(16):4025-32 (Exhibit 2); and
- 3) Okuda et al. Antisense Delivery into Mitochondria Using Peptide, *Proceedings - 28<sup>th</sup> International Symposium on Controlled Release of Bioactive Materials and 4<sup>th</sup> Consumer and*

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*Diversified products Conference* (2001) 2:1237-1238 (Exhibit 3).

This Supplemental Information Disclosure Statement is submitted to supplement the Information Disclosure Statement filed on March 5, 2002 in connection with the above-identified application.

References 1-3 were first cited in an International Search Report issued July 17, 2003 in connection with counterpart application PCT/US02/34980. A copy of this search report is attached hereto as **Exhibit B**.

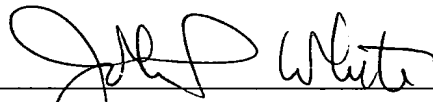
This Supplemental Information Disclosure Statement is submitted under 37 C.F.R. §1.97(c). Accordingly, the undersigned hereby certifies pursuant to 37 C.F.R. §1.97(e) that each item of information contained in this Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

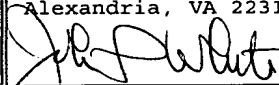
Applicant : Cy A. Stein et al.  
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Page 2

No fee is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. If any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

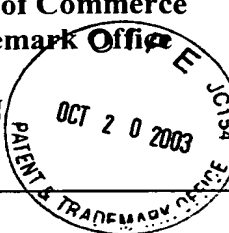
Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. BOX 1450 Alexandria, VA 22313-1450	
 John P. White Reg. No. 28,678	10/16/03 Date

Form PTO-1449		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket N . 0575/63293/JPW/BJA		Serial N . 10/002,884	
<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)				Applicant: Cy A. Stein et al.			
				Filing Date: November 2, 2001		Group Art Unit 1635	



U.S. PATENT DOCUMENTS									
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate		
		5 9 5 9 0 9 6	9/28/99	Bennett					

FOREIGN PATENT DOCUMENTS									
		Document Number	Date	Country	Class	Subclass	Translation		
							Yes	No	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Oehlke et al. Cellular Uptake of Antisense Oligonucleotides After Complexing or Conjugation with Cell-penetrating Model Peptides, <i>Eur. J. of Mol. Biol.</i> (2002) 269(16):4025-32; and
	Okuda et al. Antisense Delivery into Mitochondria Using Peptide, <i>Proceedings - 28<sup>th</sup> International Symposium on Controlled Release of Bioactive Materials and 4<sup>th</sup> Consumer and Diversified products Conference</i> (2001) 2:1237-1238.

EXAMINER	DATE CONSIDERED
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\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicants: Cy Stein et al  
 U.S. Serial No.: 10/002,884  
 Filed: November 2, 2001  
 Exhibit: A